



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LEVIN et al.

Serial. No.: 09/896,186

Filed: June 29, 2001

For: METHOD OF CONTROLLING
GENE EXPRESSION AND GENE
SILENCING

Art Unit: 1638

Examiner: MEHTA, Ashwin D.

Atty Docket: 31481A

Confirmation No.: 9567

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 forms.

The Commissioner is authorized to charge \$180.00 for payment of this submission pursuant to 37 C.F.R. § 1.17(p), to Applicant's credit card. A Credit Card Payment Form is attached hereto. The Commissioner is authorized to charge any additional fees under 37 C.F.R. §1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

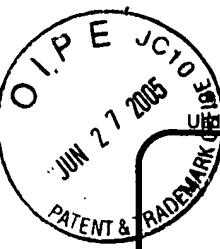
Respectfully submitted,



Mary Kakefuda
Attorney for Applicant
Registration No 39,245

Syngenta Biotechnology, Inc.
P. O. Box 12257
3054 East Cornwallis Road
Research Triangle Park, NC 27709-2257
Telephone: 919-765-5071

Date: 6/22/05



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1638 CC
B7
PTO/SB/17 (10-04)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known

Application Number	09/896,186
Filing Date	June 29, 2001
First Named Inventor	LEVIN
Examiner Name	MEHTA, Ashwin D.
Art Unit	1638
Attorney Docket No.	31481A

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number 50-1744
Deposit Account Name Syngenta

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims			
Independent Claims	-20** =	X	=
Multiple Dependent	- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460* 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	\$180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

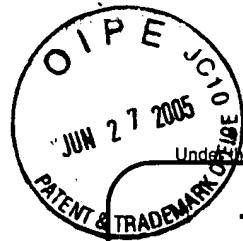
(Complete if applicable)

Name (Print/Type)	Mary Kakefuda	Registration No. (Attorney/Agent)	39,245	Telephone	919-765-5071
Signature	<i>Mary Kakefuda</i>				Date

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/896,186
		Filing Date	June 29, 2001
		First Named Inventor	LEVIN
		Art Unit	1638
		Examiner Name	MEHTA, Ashwin D.
Total Number of Pages in This Submission	7	Attorney Docket Number	31481A

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a; Fee Transmittal Form PTO/SB/17; Credit Card Payment Form; Receipt postcard; 23 reference documents
<input type="text"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Syngenta Biotechnology, Inc.		
Signature			
Printed name	Mary Kakefuda, Attorney for applicant		
Date	June 22, 2005	Reg. No.	39,245

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Susan D. Holder	Date	June 22, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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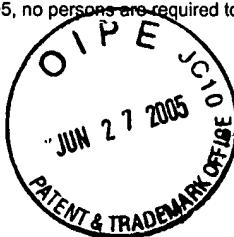
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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

Sheet 1 of 3



Confirmation Number	9567	Attorney Docket Number	31481A
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U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	DOCUMENT NUMBER Number-Kind Code ²	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B					✓

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C	GenBank Accession No. AC002341. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
	D	GenBank Accession No. AC019012. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
	E	GenBank Accession No. AC021851. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
	F	GenBank Accession No. AC027248. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
	G	GenBank Accession No. AC090282. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
	H	GenBank Accession No. AC129302. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

Sheet 2 of 3

Confirmation Number	9567	Application Number	09/896,186
		Filing Date	June 29, 2001
		First Named Inventor	LEVIN
		Art Unit	1638
		Examiner Name	MEHTA, Ashwin D.
		Attorney Docket Number	31481A

I	GenBank Accession No. AF003142. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
J	GenBank Accession No. AF531179. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
K	GenBank Accession No. AL928739. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
L	GenBank Accession No. ATCHRIV37. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
M	GenBank Accession No. ATF18A5. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
N	GenBank Accession No. ATFCA0. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
O	GenBank Accession No. ATH404476. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
P	GenBank Accession No. AY464613. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
Q	GenBank Accession No. AY530745. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
R	GenBank Accession No. BT010908. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
S	GenBank Accession No. BX322612. [online], retrieved on June 21, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓
T	GenBank Accession No. CNS0A2FQ. [online], retrieved on June 20, 2005]. Retrieved from the Internet: <URL: http://www.ncbi.nlm.nih.gov>	✓

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Sheet 3 of 3

Application Number	09/896,186		
Filing Date	June 29, 2001		
First Named Inventor	LEVIN		
Art Unit	1638		
Examiner Name	MEHTA, Ashwin D.		
Confirmation Number	9567	Attorney Docket Number	31481A

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